

Appl. No. 10/069,507

Amdt. Dated September 28, 2004

Response to Office Action of March 31, 2004

REMARKS/ARGUMENTS:

The Applicants thank the Examiner for the time and care taken in examining this application. Applicants' attorneys also thank the examiner for the time and care taken in granting and conducting a telephone interview with Jane S. Berman concerning this application on September 14, 2004, the substance of which is fairly summarized in the Examiner Interview Summary mailed by the Examiner on September 15, 2004.

Comment on the Amendments. In making the amendments shown above, care has been taken to ensure that the claims remain supported by the specification and that no new matter has been introduced. In the drawings, specification, and claims, the manifold chamber of the manifold 1 has been given reference numeral 20, to aid in resolving the examiner's concern expressed in the Final Action that "...the term manifold chamber is broad and it is unclear from applicant's drawings what is referred to as a manifold chamber..." (Final Action, p. 3, lines 19-21). The amendment to Fig. 5A is supported in the original specification at least in the paragraph beginning at page 13, line 21, and in the paragraph beginning at page 15, line 10. The manifold chamber 20 is the internal cavity or "plenum" that all intake manifolds have, and from which the individual intake pipes stem. In this invention, the manifold chamber 20 is delimited by a first part 1" (forming the conduits, too) and a second part 1'" (visible in Figs. 6, 7, 8, and 9) which sealingly cooperates with part 1" to enclose the manifold chamber.

Arguments on Rejections. As to the Section 102(b) and Section 103(a) rejections, Applicants submit that the amended claims are patentable over the cited references, and reply to the Examiner's Response to Arguments on page 3 of the Final Action as follows.¹

Amended claim 18 recites two parts (1", 1'") forming complementary portions delimiting the manifold chamber (20), bearings 6 being formed integrally with at least one of said parts (1", 1'") delimiting said manifold chamber 20. It is respectfully submitted that the rejections are based on the faulty premise that Fujita's bearings are formed integrally in a part forming a portion of the manifold chamber. The examiner finds that Fujita's "bearing grooves 19 are formed integrally with 'one of said parts,'" (Final Action, p. 3, line 17). Applicants respectfully disagree.

Fujita's parts designated with the reference numeral 19 are not "bearings." The part 19 is defined in Fujita as a "notched slot." (Fujita, col. 5, line 14). Fujita's bearing 32 is secured in notched slot 19. (Fujita, col. 6, lines 31-38). Fujita's bearing 32 slidably supports shaft 30. Shaft 30 rotates on bearings 32. (Fujita, col. 5, lines 44-46, and col. 6, lines 44-46). The slot 19 houses a bearing 32. The bearing 32 moves with respect to rotating shaft 30, but does not move with respect to slot 19; Fujita clearly discloses that bearings 32 are secured in the slots 19 by projections 43 on the carrier plate 40. (Fujita, col. 6, lines 33-38). Slot 19 therefore is not a bearing²; it is a seat for housing a bearing. A seat for housing a bearing, having no contact with the rotating shaft 30, cannot be considered a "bearing" under the understood meaning of the term in the art.

Nor is Fujita's slot 19 "formed integrally with one of said parts." As most clearly seen in Fujita's Fig. 1, slot 19 is formed in the second attaching flange 12 of the manifold part 10,

¹ Remarks submitted in Applicants' first Response to Office Action are incorporated by reference.

² See definition of "bearing" from *McGraw-Hill Dictionary of Scientific and Technical Terms*, 5th ed. (1994), p. 207, a copy of which is attached at the end of this paper for convenient reference.

defined as "air intake manifold proper." (Fujita, Fig. 1; col. 4, lines 56-57; and col. 5, lines 8-15). Fig. 2 of Fujita shows that its manifold chamber is delimited by the "upper part" 20 (*aka* "cluster") and carrier plate 40. Note from Fujita Fig. 1 that slot 19, being formed in flange 12, is not formed integrally with a part of the manifold chamber. Slot 19 clearly is separated from the manifold chamber by carrier plate 40. (Fujita, Fig. 2). Fujita's part 10, having flange 12 containing slots 19, does not form a part of the manifold chamber (Fujita, Figs. 1 and 2).

Also, it is clear that Fujita's bearing 32 is manufactured as a part separate from the parts delimiting the manifold chamber. Shaft 30 is "provided with bearings 32" that slidably support shaft 30 at a position corresponding to notched slots 19, in which bearings 32 are "engaged." (Fujita, col. 5, lines 44-47). Bearings 32 are secured in the slots 19 by projections 43 on the carrier plate 40. (Fujita, col. 6, lines 33-38). Bearings 32 are thus distinct parts that are first assembled onto shaft 30; then, bearings 32 are secured into slots 19 by pressure from projections 43, rather than being integral with any part of the manifold chamber.

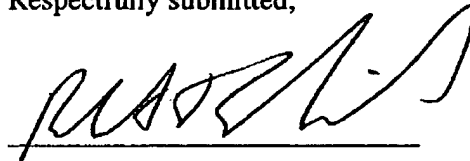
Fujita's structure, having the extra parts bearings 32, carrier plate 40, and second attaching flange 12, is the sort of complicated assembly the instant invention avoids, by having its bearings 6 formed integrally in at least one of the parts 1" or 1'" delimiting the manifold chamber. The instant invention yields an improved structure with fewer and less complicated parts, a simpler manufacturing and assembly process, and less bulky overall dimensions.

In view of these structural distinctions, it is respectfully submitted that the invention claimed herein is neither anticipated by Fujita, nor rendered obvious by the combination of Fujita and Mehne.

CONCLUSION. It is submitted that the invention is presented in clear and concise patentable terms and the application is in condition for allowance. Prompt, favorable treatment of the application is respectfully requested. The Commissioner is hereby authorized to charge

any fees associated with this communication, including the fee under 37 CFR §1.17(a)(3) for a three-month extension of time (hereby requested) for response, to our Deposit Account No. 50-0305. The Examiner is encouraged to call Robert J. Schneider at the direct number (312) 845-3919 with any questions that arise in connection with this application.

Respectfully submitted,



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CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. § 1.8

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I hereby certify that the attached correspondence, namely: Amendment and Response to Final Office Action, with Request for Continued Examination and fee authorization, was transmitted by facsimile on the date listed above, to the U.S. Patent Office at the facsimile number listed above, under 37 C.F.R. § 1.8.

Signature: 

Typed Name of Person Signing this Certificate: Brenda A. Walton

September 28, 2004
Date of Signature